

George, Robert W.

From: George, Robert W.
Sent: Thursday, November 29, 2007 9:48 AM
To: 'Louis Bullock'
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly.Burch@oag.ok.gov; DRiggs@riggsabney.com; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

Thanks, Louis. 2 pm will work for me. I will await your call and look forward to receiving your revised proposal later today.

-----Original Message-----

From: Louis Bullock [mailto:lbullock@mkblaw.net]
Sent: Wednesday, November 28, 2007 4:44 PM
To: George, Robert W.
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly.Burch@oag.ok.gov; DRiggs@riggsabney.com; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

I am still working with my co-counsel on this, but setting a time is a good idea. The morning Friday is bad for me, let's do it at 2:00.
Louis

-----Original Message-----

From: George, Robert W. [mailto:Robert.George@KutakRock.com]
Sent: Wednesday, November 28, 2007 1:47 PM
To: Louis Bullock
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly.Burch@oag.ok.gov; DRiggs@riggsabney.com; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

Louis,

Can we go ahead and schedule a time on Friday to discuss the State's position on the proposed stipulation on standing? I have the following times open on Friday: 8 - 9 am, 10 - 11:30 am; and 1 - 3 pm. Please let me know what time works best for you. Obviously, if the State intends to propose a revised stipulation, receipt of that proposal prior to the call would enhance the likelihood of a productive conversation.

-----Original Message-----

From: George, Robert W.
Sent: Monday, November 26, 2007 11:36 AM
To: 'lbullock@mkblaw.net'
Cc: 'jjorgensen@sidley.com'; Bond, Michael R.; Smith, Amy M.; 'Kelly.Burch@oag.ok.gov'; 'DRiggs@riggsabney.com'; 'Daniel.Lennington@oag.ok.gov'; 'dpage@edbelllaw.com'; 'rgarren@riggsabney.com'; 'rnance@riggsabney.com'; 'Trevor.Hammons@oag.ok.gov'
Subject: Re: Oklahoma v. Tyson - Stipulation

Louis,

Based on our conversation today at the Daniel's deposition, I am willing to hold off on contacting the Court to report an impasse until the end of this week. You advised that you are "guardedly optimistic" about our prospects on reaching an agreement on a stipulation. You advised that the State objects to the use of the term "concessions" in the opening paragraph and that you wanted the stipulation to be "mutual" but that the descriptions of the substantive points in the numbered paragraphs looked fairly accurate. You stated that you were conferring with other plaintiffs' counsel on a revised version of the stipulation. If you can provide a revised stipulation for our consideration by no later than Thursday and

agree to a time on Friday for a call to discuss any revisions proposed by the State then I will postpone contacting the Court for one more week.

I appreciate that all counsel involved in this case (yourself included) have multiple tasks and responsibilities to manage. I will respect your schedule to the extent reasonable but this issue has been outstanding for a significant period of time and it needs to be resolved this week.

I look forward to seeing the State's revisions and to discussing those revisions later this week.

----- Original Message -----

From: George, Robert W.
To: 'lbullock@mkblaw.net' <lbullock@mkblaw.net>
Cc: 'jjorgensen@sidley.com' <jjorgensen@sidley.com>; Bond, Michael R.; Smith, Amy M.; 'Kelly.Burch@oag.ok.gov' <Kelly.Burch@oag.ok.gov>; 'DRiggs@riggsabney.com' <DRiggs@riggsabney.com>; 'Daniel.Lennington@oag.ok.gov' <Daniel.Lennington@oag.ok.gov>; 'dpage@edbelllaw.com' <dpage@edbelllaw.com>; 'rgarren@riggsabney.com' <rgarren@riggsabney.com>; 'rnance@riggsabney.com' <rnance@riggsabney.com>; 'Trevor.Hammons@oag.ok.gov' <Trevor.Hammons@oag.ok.gov>
Sent: Fri Nov 23 12:17:00 2007
Subject: Re: Oklahoma v. Tyson - Stipulation

Louis,

It is hard to tell if we are at an impasse since I have no idea what the State's position is on the stipulation I proposed. Are you in the office on Monday? If so, I will call you and perhaps a discussion will move the issue forward.

----- Original Message -----

From: Louis Bullock <lbullock@mkblaw.net>
To: George, Robert W.
Cc: jjorgensen@sidley.com <jjorgensen@sidley.com>; Bond, Michael R.; Smith, Amy M.; Kelly Burch <Kelly.Burch@oag.ok.gov>; David Riggs <DRiggs@riggsabney.com>; Daniel.Lennington@oag.ok.gov <Daniel.Lennington@oag.ok.gov>; External - David Page <dpage@edbelllaw.com>; rgarren@riggsabney.com <rgarren@riggsabney.com>; rnance@riggsabney.com <rnance@riggsabney.com>; Trevor.Hammons@oag.ok.gov <Trevor.Hammons@oag.ok.gov>
Sent: Fri Nov 23 08:53:42 2007
Subject: RE: Oklahoma v. Tyson - Stipulation

Robert:

Due to the inadequate arrangements made by Tyson and other defendants for the Dutnell deposition, I have had to spend two days in traveling to Norman rather than tending to this and other matters. I will get a proposal to you as soon as I can and will call Mr. Overton and explain that we are continuing to work on this matter. If though, you wish to declare an impass, I cannot stop you. If you do declare an impasse, please let me know.

Louis

From: George, Robert W. [mailto:Robert.George@KutakRock.com]
Sent: Tue 11/20/2007 9:19 PM
To: Louis Bullock
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

Louis,

Do you have a revised stipulation for me to consider or should I inform the Court we are at an impasse?

-----Original Message-----

From: George, Robert W.
Sent: Friday, November 16, 2007 1:26 PM
To: Louis Bullock
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

Louis,

I will certainly consider any separate proposal you wish to make, but I am surprised by the idea that you view the stipulation I prepared as being off-track enough to warrant an entirely different proposal as opposed to perhaps a few discreet proposed modifications. The stipulation tracks statements made by counsel for the State in pleadings and in oral argument before the Court. If the State is backtracking from its prior positions, then we need to quickly bring these discussions to a close and submit the dispute to Judge Frizzell.

-----Original Message-----

From: Louis Bullock [mailto:lbullock@mkblaw.net]
Sent: Friday, November 16, 2007 10:14 AM
To: George, Robert W.
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

I have drafted a separate proposal which I should be able to get to you next week so that we can see if we can come to an agreement.
Louis

-----Original Message-----

From: George, Robert W. [mailto:Robert.George@KutakRock.com]
Sent: Thursday, November 15, 2007 10:53 AM
To: Louis Bullock
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

Louis,

Will the State sign the stipulation? If I do not hear back from you by the end of the day tomorrow, I will advise Howard Overton that the State is unwilling to discuss a proposed stipulation and that regrettably we will need Judge Frizzell to address all standing issues in his order rather than just the parens patriae issue.

-----Original Message-----

From: George, Robert W.
Sent: Friday, November 09, 2007 3:23 PM
To: 'Louis Bullock'
Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs; Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com; rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov
Subject: RE: Oklahoma v. Tyson - Stipulation

The discussion with the Court about you and I conferring on the concessions made by the State and submitting a stipulation to the Court in advance of a ruling on the parens patriae issue is found in the transcript of the July 5, 2007 hearing, pg. 86, ln. 23 through pg. 88, ln. 18.

When Howard Overton called this morning about setting various matters for hearing before

Judge Frizzell, he mentioned that the Judge was still awaiting that stipulation or notice that the parties could not agree on a stipulation. I told Howard I would report back to him next week on status. Please let me know whether the State will sign the stipulation or not.

-----Original Message-----

From: Louis Bullock [mailto:lbullock@mkblaw.net]

Sent: Thursday, November 08, 2007 2:15 PM

To: George, Robert W.

Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.; Kelly Burch ; David Riggs;

Daniel.Lennington@oag.ok.gov; External - David Page; rgarren@riggsabney.com;

rnance@riggsabney.com; Trevor.Hammons@oag.ok.gov

Subject: RE: Oklahoma v. Tyson - Stipulation

Robert:

Would you provide me with the citation to the transcript where the conversations and the Court's comments are in the record so that I can fully understand your point?

Thanks,
Louis

-----Original Message-----

From: George, Robert W. [mailto:Robert.George@KutakRock.com]

Sent: Thursday, November 08, 2007 11:52 AM

To: Louis Bullock; Louis Bullock; David Riggs

Cc: jjorgensen@sidley.com; Bond, Michael R.; Smith, Amy M.

Subject: Oklahoma v. Tyson - Stipulation

<<Tyson - Illinois - Stipulation re Standing without internal references.doc>> Louis,

You will recall that at the last hearing before Judge Frizzell you and I agreed to confer on the form of a stipulation embodying various admissions or concessions the State made regarding the scope of its claims in the briefs and during oral argument on Defendants' Motion for Judgment As a Matter of Law Due to Lack of Standing. I have reviewed the briefs and the hearing transcript and propose the attached stipulation. Please advise whether you are willing to enter into this stipulation at your earliest opportunity. You will recall that Judge Frizzell is awaiting a report regarding our progress on this stipulation before issuing his ruling on the contested issue of whether the parens patriae doctrine bestows standing upon the State to pursue claims for injury to or remediation of privately owned property located in the Oklahoma side of the IRW. This stipulation will not resolve that issue, but if signed and submitted, should trigger a ruling from Judge Frizzell on that question. All parties would benefit from tying up these loose ends.

If you have questions or concerns about anything in the stipulation, please do not hesitate to contact me.

Robert W. George

robert.george@kutakrock.com

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